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Attorney for Petitioner
 Christine Wisnet

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

In Re:

Christine Wisnet

Petitioner-Appellant

v.

John Ashcroft, Attorney General
 of the United States;

Tom Ridge, Secretary of
 Homeland Security

David N. Still, District Director,
 United States Citizenship and
 Immigration Services, San Francisco,

Respondents-Appellees

Case No. C 04 1744 JW PVT

Agency No. A20 530 634

STIPULATION AND [PROPOSED]
 ORDER

Subject to the Court's approval, the parties, through their undersigned counsel of record,
 hereby agree and stipulate as follows:

1. On May 4, 2004, Ms. Wisnet filed a Petition for Review of the denial of her naturalization application with the United States District Court for the Northern District of California at San Jose, California.
2. On June 1, 2004, the Department of Homeland Security initiated removal proceedings against Ms. Wisnet by issuing a Notice to Appear (NTA).
3. Subsequently, the U.S. Attorney and Ms. Wisnet, through undersigned Counsel, stipulated for a stay of her pending case in the United States District Court,

STIPULATION REQUESTING STAY; ORDER
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Northern District of California and made a joint motion to the District Court. The District Court granted the motion on July 1, 2004 and the case is currently stayed.

4. On October 4, 2004, the Immigration Judge terminated removal proceedings.
5. The Department of Homeland Security (DHS) filed a timely appeal with the Board of Immigration Appeals on November 2, 2004.
6. The Board of Immigration Appeals remanded the case to the Immigration Court on May 24, 2006 to give the Government an opportunity to present more evidence.
7. The Immigration Court has a case status conference scheduled for September 26, 2006.
8. Respondents believe that this Court lacks jurisdiction to act on her naturalization application since her removal case is still pending before the Immigration Court. *Tellez v. INS*, 91 F.Supp.2d 1356, 1362 (C.D. Cal. 2000); *Apokarina v. Ashcroft*, 232 F.Supp. 2d 414, 415 (E.D.Pa. 2002).
9. If removal proceedings are terminated by the Immigration, the existing issue regarding the subject matter jurisdiction of this Court over the naturalization application will be resolved.

Accordingly, the parties request that the Court order as follows:

1. This action is stayed another six months pending a ruling by the Immigration Court on Ms. Wisnet's request to terminate removal proceedings against Ms. Wisnet.
2. Ms. Wisnet shall file with this Court and serve on respondents notice of the decision of the Immigration Court.

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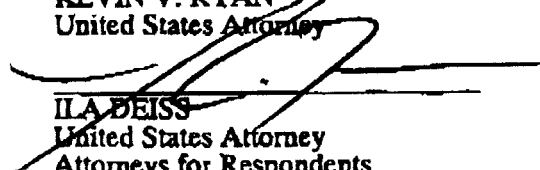
Dated: September 19, 2006

Respectfully submitted,


BERNADETTE W. CONNOLLY
Attorney for Petitioner

Dated: September 19, 2006

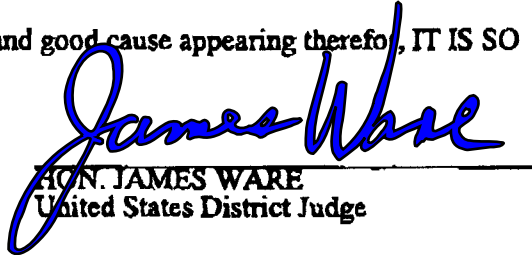
KEVIN V. RYAN
United States Attorney


ILA DEISS
United States Attorney
Attorneys for Respondents

[PROPOSED] ORDER

Pursuant to the stipulation of the parties, and good cause appearing therefor, IT IS SO
ORDERED.

Dated: 9/21/2006


HON. JAMES WARE
United States District Judge

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